IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA NORTHERN DIVISION

No. 2:11-cv-43-FL

HORACE SPIVEY, JR.,)	
Plaintiff,)	
v.)	ORDER
MICHAEL J. ASTRUE,)	ORDER
Commissioner of Social Security,)	
Defendant.)	

This matter is before the court on the Memorandum and Recommendation ("M&R") of United States Magistrate Judge William A. Webb, regarding the parties' cross-motions for judgment on the pleadings. No objections to the M&R have been filed, and the time within which to make any objection has expired. This matter is ripe for ruling.

The court hereby ADOPTS the recommendation of the magistrate judge as its own, and, for the reasons stated therein, plaintiff's motion is GRANTED, defendant's motion is DENIED, and defendant's final decision is VACATED AND REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the recommendation of the magistrate judge. This matter is thereby DISMISSED, and the clerk of court is directed to close the case.

So ordered, this the 27th day of August, 2012.

LOUISE W. FLANAGAN United States District Judge

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